(b) if so, what are the specific points on which the Commission will study and report to the Government on judicial reforms; and

(c) what is the time fixed for Commission to submit its report to Government?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) Yes, Sir.

(b) The term of reference are given in the attached statement

(c) No time limit has been fixed for submitting the report by the Commission. However, the Commission has been requested to forward its recommendations to the Government as early as possible.

Statement

The following are the terms of reference.

Terms of reference in the context of studying judicial reforms by law commission.

1. The need for decentralisation of the system of administration of justice by -

(i) establishing, extending and strengthening in rual areas the institution of Nyaya Panchayats or other mechanisms for resolving disputes;

(ii) setting up of a system of Participatory justice with defined jurisdiction and powers in suitable areas and centres;

(iii) establishing other tiers or systems within the judicial herarchy to reduce the volume of work in the Supreme Court and the High Courts.

2. The matters for which Tribunals (excluding services Tribunals) as envisaged in Part XIV-A of the Constitution need to be established expeditiously and various aspects related to their establishment and working;

3. The procedural laws with a view generally to disposing of cases expeditiously, eliminating unnecessary litigation and delays in hearing of cases and reforms in procedures and procedural laws and partcularly to devising procedures appropriate to the forums envisaged in items 1(i) and 1(ii).

4. The method of appintment to subordinate courts|subordinate judiciary.

5. The training of judicial officers.

6. The role of the legal profession in strengthening the system of administration of justice.

7. The desirability of formulation of the norms which the Govt. and the public sector undertakings should follow in the settlement of disputes including a review of the present system for conduct of litigation on behalf of the Government and such undertakings

8. The cost of litigation with a view to lessening the burden on the litigants.

9. Formation of an All India Judicial Service; and

10. Such other matters as the Commission considers proper or necessary for the purposes aforesaid or as may be referred to it from time to time by the Government.

Industrial licences issued to MRTP and FERA companies in Sixth Plan

832. SHRI GURUDAS DAS GUPTA: Will the Minister of INDUSTRY be pleased to state:

(a) what is the number of industrial licences and letters of intent issued to MRTP and FERA Companies during the Sixth Plan period;

(b) what are the projects taken up by the MRTP and FERA companies in the delicenced industries and backward areas, respectively, during the Sixth Plan period;

(c) how many 100 per cent export units have been set up by the MRTP and FERA Companies during the Sixth Plan period;

(d) what have been the export earnings of these units during the said period; and

(e) what is the percentage of their export output during the Sixth Plan period?

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT (SHRI M. ARUNACHALAM): (a) Under the provisions of the Industries (Development & Regulation) Act, 796 letters of intent and 539 industrial licences were granted during the period 1980-81 to 1984-85 to MRTP/FERA Companies.

(b) MRTP/FERA Companies have only recently been made eligible for obtaining registration with the concerned tchnical authorities like DGTD in respect of de-licensed industries to be set up in centrally declared backward areas. As such, the question of taking up projects under the above said scheme of de-licensing by MRTP/FERA companies during the Sixth Plan period does not arise.

(c) to (e) Information is being collected and shall be laid on the Table of the House.

Criteria for appointing Government advocates

833. SHRI BIR BHADRA PRATAP SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) what are the criteria fixed for appointment of Government Advocates and Counsels and panels in various State High Courts and Supreme Court of India and their scale of fees for various services rendered;

(b) whether it is a fact that Government loses cases because of inefficiency of their counsels, lack of instructions from the Departments concerned, lower fees etc. and

(c) what steps Government propose to adopt to the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) Government Advocates, Counsel and Panel Counsel in the Supreme Court and Various High Courts are appointed on the basis of their qualifications, experience, standing at the Bar, competence and the like. The scales of fees for various services rendered by them are governed by th terms and conditions of their appointment, copies of which are annexed. (*See* Appendix CXXXVII, Annexure No. 12)

(b) and (c) It will not be correct to say that Government loses cases because of inefficiency of their Counsel, lack of instructions from the Departments concerned, lower fees etc. The Courts decide legal issues involved in cases judiciously in accordance with the relevant laws and rules, legal interpretation and the facts brought before them. The appointments in the Panels are made after ascertaining the views from concerned and knowledgeable quarters.The performance of the Advocates on the Panels is constantly watched. The Panels are revised in case of unsatisfactory performance of an advocate or where a better choice is available. The rates of fees payable to Panel Counsel are also reviewed from time to time.

न्यायालयों में लम्बित मुकदमों में कमी करना

834. श्री लाल कृष्ण आडवाणी : क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि :

(क) लंबित पड़े मुकदमों को तेजी से निपटाने के लिए छठी पंच-वर्षीय योजना के दौरान उठाए गए कदमों के